

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARY HELEN NELSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KAREEM ABDUL NELSON,

Respondent-Appellant,

and

JENNIFER DIANE HANNA,

Respondent.

In the Matter of MARY HELEN NELSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER DIANE HANNA,

Respondent-Appellant,

and

KAREEM ABDUL NELSON,

Respondent.

UNPUBLISHED

January 10, 2008

No. 277946

Wayne Circuit Court

Family Division

LC No. 03-423308-NA

No. 277947

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LC No. 03-423308-NA

Before: Schuette, P.J., and Borrello and Gleicher, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the child under MCL 712A.19b(3)(g), (j), and (l). We affirm. We decide these appeals without oral argument under MCR 7.214(E).

I. FACTS

Mary is respondents' second child. In September 2003, their son David Nelson was taken from their care shortly after his birth and placed in the court's temporary custody following allegations that respondents could not care for the child. Evidence produced during the proceedings involving David showed that respondent-mother was mentally impaired and was under the care of a legal guardian who managed her finances and that respondent-father suffered from schizophrenia, for which he had been hospitalized multiple times in the past, and had an extensive criminal history. Respondents participated in a 2004 Clinic for Child Study evaluation, which found that respondent-mother's cognitive limitations would impede her parenting abilities and that both respondents' prognosis for caring for David independently was poor. The court terminated respondents' parental rights to David under §§ 19b(3)(g) and (j).

On December 1, 2006, Mary was born to respondents. Petitioner filed a permanent custody petition, alleging that respondents had had their parental rights to David terminated in 2004, suffered from mental illness, and were unable to care for Mary. The petition also alleged that respondent-mother had a legal guardian due to her legal incapacitation and that respondent-father had an extensive criminal history. At a permanency planning hearing, respondents admitted that they had had their parental rights to David terminated. Respondent-father admitted that he suffered from schizophrenia and had been hospitalized in the past because of his condition. He also admitted that he had a criminal record and was on probation for assaulting a police officer. Respondent-mother admitted that she had been diagnosed with depression and a guardian managed her finances. The court concluded that respondents' admissions were sufficient to terminate their parental rights to Mary and scheduled a best interests hearing. The court ordered respondents to participate in an updated Clinic for Child Study evaluation for consideration at the hearing.

At the best interests hearing on March 29, 2007, neither respondent elected to testify, but both informed the court through their counsel that they loved Mary, wanted to plan for her, and had purchased various baby supplies for her since the last hearing. The 2004 termination order and the 2004 Clinic evaluation were admitted into evidence. Respondents had failed to participate in an updated Clinic evaluation. Based on the evidence presented, the court concluded that termination of respondents' parental rights to Mary was supported under §§ 19b(3)(g), (j), and (l), and that termination was not contrary to the child's best interests. Respondents appeal the court's ruling.

II. STATUTORY GROUNDS FOR TERMINATION

A. Standard of Review

To terminate parental rights, the trial court must find that at least one statutory ground for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). We review the trial court's decision that a statutory ground for termination has been proven by clear and convincing evidence for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A decision "is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses." *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004).

B. Analysis

It is undisputed that respondents' parental rights to Mary's sibling David Nelson were terminated in 2004. Under the plain language of § 19b(3)(l),¹ termination of respondents' parental rights to David establishes clear and convincing evidence to support termination of their parental rights to Mary. We need not address the other statutory grounds relied upon by the trial court because only one ground for termination is required. *Trejo, supra* at 360.

III. BEST INTERESTS OF THE CHILD

A. Standard of Review

If the trial court determines that a statutory ground for termination has been established, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 353. Again, we review the trial court's best interests determination for clear error. *Trejo, supra* at 356-357

B. Analysis

The evidence did not show that termination of respondents' parental rights was clearly not in the best interests of the child. MCL 712A.19b(5); *Trejo, supra* at 356-357. Respondents elected not to participate in an updated Clinic evaluation. Neither testified at the best interests hearing, but, through their respective counsel, they each informed the court that they loved Mary, wanted to plan for her, and had purchased items for her care since the last hearing. The court found that, while respondents both clearly loved Mary, they lacked the ability to care for the child. Therefore, because the respondents presented limited evidence in support of their argument that termination was contrary to the child's best interest, the court did not clearly err in failing to conclude that termination of respondents' parental rights to Mary was clearly contrary

¹ MCL 712A.19b(3)(l), provides for termination if "[t]he parent's rights to another child were terminated as a result of proceedings under section 2(b) of this chapter or a similar law of another state."

to the child's best interests.

Affirmed.

/s/ Bill Schuette

/s/ Stephen L. Borrello

/s/ Elizabeth L. Gleicher